

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GLEND A SEAY,

Plaintiff,

v.

FORTUNE PLASTICS, INC.,

Defendant.

Civil Action No. 3:09-cv-00605

JURY DEMAND

JUDGE HAYNES

DRPH

This motion
is CANCELLED

3-7-11

**FORTUNE PLASTICS, INC.'S MOTION TO STRIKE ITS STATEMENT OF THE
MATTERS AT ISSUE IN THIS DISCOVERY DISPUTE**

Comes Now Defendant Fortune Plastics, Inc. ("Fortune Plastics"), and hereby submits this Motion to Strike its Statement of the Matters at Issue in this Discovery Dispute (Doc. # 49), that was filed with its Motion for a Protective Order, on December 30, 2010. (Doc # 46). Fortune Plastics requests this Court strike its Statement because the Parties have agreed to the contemporaneously filed Joint Statement of the Matters at Issue regarding the Discovery Dispute in compliance with the Case Management Order.

Beginning on December 28, 2010, and numerous times thereafter, Fortune Plastics attempted to confer with opposing counsel regarding the filing of a Joint Statement of the Matters at Issue pursuant to the Case Management Order. When Fortune Plastics was unable to do so, and in an effort to comply with the Case Management Order and the discovery deadline of December 31, 2010, Fortune Plastics filed its Statement of Matters at Issue in this Discovery Dispute on December 30, 2010. On January 3, 2011, Plaintiff's counsel advised that Fortune Plastics could sign his name with permission to the proposed Joint Statement of the Matters at Issue. (Exhibit A).